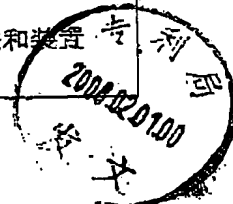




中华人民共和国国家知识产权局

100097 北京市海淀区紫竹院路 116 号嘉豪国际中心 B 座 11 层 北京金信立方知识产权代理有限公司 黄威	发文日
申请号: 2003801000935	
申请人: LG 电子有限公司	
发明名称: 记录多成分数据流的方法和装置, 记录多成分数据流的高密度记录介质及其重现方法和装置	



第一次审查意见通知书

(进入国家阶段的 PCT 申请)

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局专利局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以其在:
KR 专利局的申请日 2002 年 11 月 08 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日。
- ☐ 申请人于 年 月 日和 年 月 日以及 年 月 日提交了修改文件。
经审查, 申请人于 年 月 日提交的 不符合专利法实施细则第 51 条第 1 款的规定。
☐
- ☒ 审查是针对原始提交的国际申请的中文译文进行的。
☐ 审查是针对下述申请文件进行的:
☐ 说明书 第 页, 按照进入中国国家阶段时提交的国际申请文件的中文文本;
第 页, 按照专利性国际初步报告附件的中文文本;
第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;
第 页, 按照依据专利法实施细则第 51 条第 1 款规定所提交的修改文件;
第 页, 按照 年 月 日所提交的修改文件。
☐
☐ 权利要求 第 项, 按照进入中国国家阶段时提交的国际申请文件的中文文本;
第 项, 按照依据专利合作条约第 19 条规定所提交的修改文件的中文文本;
第 项, 按照专利性国际初步报告附件的中文文本;
第 项, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;
第 项, 按照依据专利法实施细则第 51 条第 1 款规定所提交的修改文件;
第 项, 按照 年 月 日所提交的修改文件。
☐
☐ 附图 第 页, 按照进入中国国家阶段时提交的国际申请文件的中文文本;
第 页, 按照专利性国际初步报告附件的中文文本;
第 页, 按照依据专利合作条约第 28 条或 41 条规定所提交的修改文件;
第 页, 按照依据专利法实施细则第 51 条第 1 款规定所提交的修改文件;
第 页, 按照 年 月 日所提交的修改文件。

21302

2008 年 2 月 13 日 4:03PM

回函语言: 100088 北京市海淀区蓟门桥西土城路 6 号, 国家知识产权局专利局受理处收
(注: 凡寄给审查员的信函不具有法律效力)

申请号 2003801000935

☒本通知书引用下述对比文件(其编号在今后的审查过程中继续沿用):

编号	文件号或名称	公开日期 (或抵触申请的申请日)
1	WO01/80239A1	2001-10-25
2	CN1197573A	1998 10 28

5. 审查的结论性意见:

☐关于说明书:

- ☐申请的内容属于专利法第5条规定的不授予专利权的范围。
- ☐说明书不符合专利法第26条第3款的规定。
- ☐说明书不符合专利法第33条的规定。
- ☐说明书的撰写不符合专利法实施细则第18条的规定。

☒关于权利要求书:

- ☐权利要求 不具备专利法第22条第2款规定的新颖性。
- ☒权利要求 1 不具备专利法第22条第3款规定的创造性。
- ☐权利要求 不具备专利法第22条第4款规定的实用性。
- ☐权利要求 属于专利法第25条规定的不授予专利权的范围。
- ☒权利要求 1, 2, 5, 9, 13, 14, 16, 29-31 不符合专利法第26条第4款的规定。
- ☐权利要求 不符合专利法第31条第1款的规定。
- ☐权利要求 不符合专利法第33条的规定。
- ☐权利要求 不符合专利法实施细则第2条第1款的规定。
- ☐权利要求 不符合专利法实施细则第13条第1款的规定。
- ☒权利要求 3, 4, 6, 7, 12, 14-16, 18-28 不符合专利法实施细则第20条的规定。
- ☒权利要求 13, 14, 16 不符合专利法实施细则第21条的规定。
- ☐权利要求 不符合专利法实施细则第22条的规定。
- ☐权利要求 不符合专利法实施细则第23条的规定。

☐分案的申请不符合专利法实施细则第43条第1款的规定。

上述结论性意见的具体分析见本通知书的正文部分。

6. 基于上述结论性意见, 审查员认为:

- ☐申请人应按照通知书正文部分提出的要求, 对申请文件进行修改。
- ☒申请人应在意见陈述书中论述其专利申请可以被授予专利权的理由, 并对通知书正文部分中指出的不符合规定之处进行修改, 否则将不能授予专利权。
- ☐专利申请中没有可以被授予专利权的实质性内容, 如果申请人没有陈述理由或者陈述理由不充分, 其中请将被驳回。

7. 申请人应注意下述事项:

- (1) 根据专利法第37条的规定, 申请人应在收到本通知书之日起的2个月内陈述意见, 如果申请人无正当理由逾期不答复, 其申请将被视为撤回。
- (2) 申请人对其申请的修改应符合专利法第33条的规定, 修改文本应一式两份, 其格式应符合审查指南的有关规定。
- (3) 申请人的意见陈述书和/或修改文本应邮寄或递交国家知识产权局专利局受理处, 凡未邮寄或递交给受理处的文件不具备法律效力。
- (4) 未经预约, 申请人和/或代理人不得前来国家知识产权局专利局与审查员举行会晤。

8. 本通知书正文部分共有 4 页, 并附有下列附件:☒引用的对比文件的复印件共 2 份 10 页。

审查员: 庞娜(3621)

2008年1月17日



审查部门

通信审查部

21302
2008.7回函请寄: 100088 北京市海淀区蓟门桥西土城路6号 国家知识产权局专利局受理处收
(注: 凡寄给审查员个人的信函不具有法律效力)

2008.7 3月7日 4:03PM

Filing No.: 2003801000935

Our Ref.: IP04-1140-XC14

PATENT OFFICE OF THE PEOPLE'S REPUBLIC OF CHINA

Applicant:	LG ELECTRONICS INC.	Date of Issuing:
Agent:	HUANG Wei	February 1, 2008
Application No:	200380100093.5	
Title of Invention:	METHOD AND APPARATUS FOR RECORDING A MULTI-COMPONENT STREAM AND A HIGH-DENSITY RECORDING MEDIUM HAVING A MULTI-COMPONENT STREAM RECORDED THEREON AND REPRODUCING METHOD AND APPARATUS OF SAID RECORDING MEDIUM	

NOTIFICATION OF THE FIRST OFFICE ACTION

(National phase of PCT application)

1. ☒ At the request for substantive examination, in accordance with the provisions of Paragraph 1 of Article 35 of the Patent Law of China, the Examiner proceeds with the examination as to substance of the above-identified patent application for invention.
- ☐ In accordance with the provisions of Paragraph 2 of Article 35 of the Patent Law of China, the China Patent Office has, on its own initiative, decided to proceed with the examination as to substance of the above-identified patent application for invention.

2. ☒ Applicant claims the application dated

November 8, 2002 when the previous application was filed with KR as the priority date,
 _____ when the previous application was filed with _____ as the priority date,
 _____ when the previous application was filed with _____ as the priority date.

3. ☐ The amended document(s) submitted on _____ is(are) not in conformity with the provisions of Paragraph 1 of Rule 51 of the Implementing Regulations of the Patent Law of China.
- ☐

4. ☒ The examination is conducted on the basis of the initial application documents:

- ☐ The examination is conducted on the basis of the following application documents:

Description: pages _____, on the basis of the Chinese version of initially filed international application documents;
 pages _____, on the basis of the Chinese version of the attachment to the International Preliminary Examination Report;
 pages _____, on the basis of the amendment documents submitted according to Art. 28 and Art. 41 of PCT;
 pages _____, on the basis of the amendment documents submitted according to Rule 51 of the Implementing Regulations of the Patent Law of China.

Claims: _____, based on the Chinese version of initially filed international application documents;
 _____, based on the Chinese version of the amendment documents submitted according to Art. 19 of PCT;

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_____ on the basis of the Chinese version of the attachment to the International Preliminary Examination Report;

_____ on the basis of the amendment documents submitted according to Art. 28 and Art. 41 of PCT;

_____ on the basis of the amendment documents submitted according to Rule 51 of the Implementing Regulations of the Patent Law of China.

Drawings: pages: _____ on the basis of the Chinese version of initially filed international application documents;

pages _____ on the basis of the Chinese version of the attachment to the International Preliminary Examination Report;

pages _____ on the basis of the amendment documents submitted according to Art. 28 and Art. 41 of PCT;

pages _____ on the basis of the amendment documents submitted according to Rule 51 of the Implementing Regulations of the Patent Law of China.

☒ The present notification cites the following documents (of which the serial numbers continue to be used in the examination hereafter):

Code	Reference No. or Title	Publication Date (or Filing Date of Conflict Application)
1.	WO01/80239A1	October 25, 2001
2.	CN1197573A	October 28, 1998

5. Conclusive opinion:

☐ Regarding the Description

☐ The content of the application belongs to the scope of Article 5 of the China Patent Law which can not be granted.

☐ The Description is not conformity with the provisions of Paragraph 3 of Article 26 of the China Patent Law.

☐ The Description is not conformity with the provisions of Article 33 of the China Patent Law.

☐ The presentation manner of the Description is not inconformity with Rule 18 of the Implementing Regulations of the China Patent Law.

☐

☒ Regarding the Claims

☐ Claims _____ do not possess the novelty under Paragraph 2 of Article 22 of the China Patent Law.

☒ Claim 1 does not possess the inventiveness under Paragraph 3 of Article 22 of the China Patent Law.

☐ Claims _____ do not possess the practical applicability under Paragraph 4 of Article 22 of the China Patent Law.

☐ Claims _____ fall in the scope of Article 25 of the China Patent Law which can not be granted.

☒ Claims 1, 2, 5, 9, 13, 14, 16, 29-31 do not meet the requirement of Paragraph 4 of Article 26 of the China Patent Law.

☐ Claims _____ do not meet the requirement of Paragraph 1 of Article 31 of the China Patent Law.

☐ Claims _____ do not meet the requirement of Article 33 of the China Patent Law.

☐ Claims _____ do not meet the requirement of Paragraph 1 of the Rule 2 of the Implementing Regulations of the China Patent Law.

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Our Ref.: IP04-1140-XC14

- ☐ Claims _____ do not meet the requirement of Paragraph 1 of the Rule 13 of the Implementing Regulations of the China Patent Law.
- ☒ Claims 3, 4, 6, 7, 12, 14-16, 18-28 do not meet the requirements of Rule 20 of the Implementing Regulations of the China Patent Law.
- ☒ Claims 13, 14 and 16 do not meet the requirements of Rule 21 of the Implementing Regulations of the China Patent Law.
- ☐ Claims _____ do not meet the requirements of Rule 22 of the Implementing Regulations of the China Patent Law.
- ☐ Claims _____ do not meet the requirements of Rule 23 of the Implementing Regulations of the China Patent Law.

- ☐ Divisional application does not meet the requirement of Paragraph 1 of Rule 43 of the Implementing Regulations of the China Patent Law.

Please refer to the text of the notification in detail for the above.

6. Based on the above conclusive opinion, the examiner holds that

- ☐ Applicant should amend the application documents according to the requirements set forth in the text of the notification.
- ☒ Applicant should state the reason that the application may be granted in his observation and make amendment to the unconformity to the laws as pointed out by the text of the notification, or no patent right for the application be granted.
- ☐ No any substantive contents to be granted are presented in the application. If the applicant does not submit his observation or his observation is not reasonable, the application will be rejected.
- ☐

7. The applicant shall pay an attention to the following:

- (1) According to Article 37 of the China Patent Law, applicant should submit his observation within **FOUR** months from the date he receives the notification. If, without any justified reason, the time limit for making a response is not met, the application will be deemed to be withdrawn.
- (2) The amendments to the application documents should meet the requirement of Article 33 of the China Patent Law. The amendment text should be submitted in duplicate and the form thereof should comply with the relevant provisions of the Examination Guide.
- (3) The observation and / or amendment documents should be mailed to or submitted directly to the Receiving Section of the China Patent Office, and the documents which were not mailed or directly submitted are of no legal effect.
- (4) The applicant and / or attorney may not interview with the examiner without appointment.

8. The text of this notification consists of 4 pages, including the following annexes:

- ☒ 10 pages of 2 copies of the cited references.
- ☐

Examiner: PANG Na (3621)

Date: January 17, 2008

Department of Examination

Telecommunications Examination Department